

Exhibit: SLD Letter of Appeal dated March 1, 1999

March 15, 2000

Ms. Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, DC 20554

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97-21
96-45

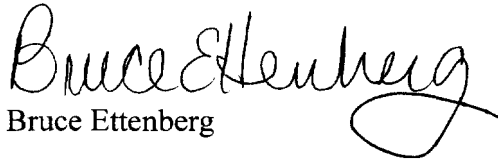
Ref.: Request for Review of the Universal Service
Administrator's 30-Day Deadline for Appeal
of Program Year One Funding Decision

Dear Ms. Salas:

Attached are an original and four copies of a request for review of USAC's 30-day
dealine for the submission of Carle Place's appeal of a PY1 funding decision.

A one-page receipt copy is also enclosed. Please stamp it received and return it to us in
the self-addressed stamped envelope.

Sincerely,


Bruce Ettenberg

Attachments: Original request for review and four copies
Receipt copy and self-addressed envelope

No. of Copies rec'd 013
List ABCDE

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the matter of:)	
)	
Request for Review of the Universal Service)	Docket Nos. 97-21 and 96-45
Administrator's 30-Day Deadline for Appeal)	
of Program Year One Funding Decision on)	
Behalf of Carle Place Union Free School District)	
)	

On June 22, 1999, the Universal Service Administrator ("Administrator") sent a letter to Carle Place UFSD indicating that its appeal of the Administrator's decision for the first program year ("PY1") had been received more than 30 days after the issuance of its Funding Commitment Decisions Letter and, therefore, that the Administrator would not be able to consider this "late filed" appeal until guidance was received from the FCC. A copy of the original Carle Place appeal is attached.

In response to the Administrator's letter, Carle Place filed a letter with the Administrator for 30-Day Deadline Relief (dated June 28, 1999). Its request for was based on the following three factors:

1. The issue addressed by the referenced appeal was triggered by a SLD data entry error, a pervasive problem that the SLD itself addressed in PY2 with the introduction of the Receipt Acknowledgment Letter process.
2. The appeal was diligently pursued by the school district and its advisor. It was mailed less than four weeks after receipt of the FCDL — a time period that

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1. The issue addressed by the referenced appeal was triggered by a SLD data entry error, a pervasive problem that the SLD itself addressed in PY2 with the introduction of the Receipt Acknowledgment Letter process.
2. The appeal was diligently pursued by the school district and its advisor. It was mailed less than four weeks after receipt of the FCDL — a time period that

included a one-week school vacation and fell within the second half of the new E-rate application period.

3. The SLD's approach to implementing its own 30-day deadline in early 1999 was, by its own admission (teleconference of June 24, 1999), "a little soft."

To date, Carle Place has received no acknowledgment or response to its request for 30-Day Deadline Relief and now believes that no SLD action will be forthcoming without direct intervention by the Commission. With this filing, therefore, Carle Place UFSD asks the Commission to:

1. Review and consider the history of delays, applicant confusion, and Administrator processes in the first year of the E-rate program.
2. Waive the 30-day deadline for consideration of the Carle Place PY1 appeal; and
3. Instruct and empower the Administrator to process this "late filed" appeal on its merits.

Review of E-Rate Processing Environment in Late 1998 and Early 1999:

Late 1998 and early 1999 was a busy and confusing period for both E-rate applicants and the SLD. Ten waves of funding commitment decisions for PY1 were released between November 17, 1998, and February 26, 1999. The funding period overlapped critically with the new application window of the program year two ("PY2") that ran from December 1, 1998, through April 6, 1999. Both the PY1 funding and the PY2 application periods were characterized by delays and missed (or rescinded) deadlines. Two examples of deadlines announced by the SLD, but never enforced, include:

1. A requirement that a FCC Form 486 be filed within five business days of the issuance of a Funding Commitment Decisions Letter. This deadline is prominently included in the original instructions to Form 486 and in the revised instructions provided in July 1999 version of Form 486.

Even in a special situation when the SLD set a July 9, 1999, deadline for the filing of Form 486s in connection with extended funding to partially resolve the "black hole" problem ("This is a firm deadline. There will be no exceptions."), the SLD subsequently revised the deadline to July 16.

2. Instructions for FCC Form 472 (or "BEAR" form) set precise deadlines for submission also based upon the issuance date of a Funding Commitment Decisions Letter.

Even the final deadline for PY1 BEAR forms, set for August 15, 1999, was first changed to December 15, 1999, and then subsequently relaxed to March 31, 2000.

The SLD appeal process instructions issued during this period referenced, but did not stress, a 30-day deadline. Specifically, instructions posted on the SLD's web (and still available on the SLD's fax-on-demand service) stated that: "Letters of appeal that are received more than 30 days after the date of issuance of the FCD Letter will be processed in the order received...." (emphasis added).

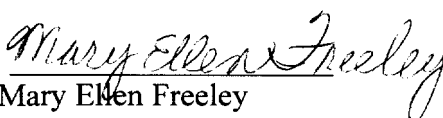
By its own admission,¹ the SLD has indicated that it was "a little soft" on the appeal deadline during the early part of 1999. At the time, both the SLD and the applicants were dealing with the complexities of first year funding and second year applications, and it was clear that little active processing would be done on appeals until later in the spring.

Request for Waiver of 30-Day Deadline Rules for PY1 Appeal:

Given the first year confusion surrounding the E-rate program in late 1998 and early 1999, the history of missed deadlines generally, and the lack of firm guidelines on processing appeals specifically, Carle Place requests that the Commission waive its rules with regard to acceptance of an appeal submitted more than 30 days after the issuance of the associated Funding Commitment Decisions Letter for PY1.

This waiver of the Commission's 30-day deadline, together with instructions to the Administrator to process the Carle Place appeal, would permit the Administrator to fairly consider the Carle Place appeal on its merit and to correct the SLD's earlier data entry error.

Respectfully submitted,

By: 
Dr. Mary Ellen Freeley
Superintendent of Schools
Carle Place UFSD
168 Cherry Lane
Carle Place, NY 11514

Dated:

March 15, 2000

¹ Statement of Mickey Revenaugh, SLD Vice-President of Outreach Programs, in a SLD videoconference on July 24, 1999. The videoconference is archived at: <http://www.doe.state.in.us/media/video/guide.html>. The referenced statement on PY1 appeals occurs approximately 47 minutes and 40 seconds into the program.